

REMARKS

New paragraph [0020] has been added to the specification to provide a clear antecedent basis for the structure defined in Claim 2, as requested. It will be noted that no new matter is being added, Claim 2 having been included in the specification as originally filed. In addition, it is clearly stated in paragraph [0005] under the heading "Summary of the Invention" that "the sound emitting device may be integral with the crayon", in which case each crayon is coupled to a respective emitting device as provided in Claim 2.

Claim 4 was rejected for failing to comply with the enabling requirement. While claim 4 as originally filed has been withdrawn, new claim 10 corresponds to claim 4. In the original claim 4 it was provided for the universal sound emitting device to generate an audible message when "remote" from the associated crayon. The supporting description, however, provides for the sound emitting device to be activated "without being physically coupled to the crayon" at original paragraph [0023]. The preceding paragraph [0022], as originally filed, provides for the identifying termination 70 to consist of a microscopic wave generator which may be an electromagnetic coil or ultrasonic. This is one form of a device which may be activated without physically coupling the sound emitting device to the crayon. Other such devices commonly understood to be among "wireless" devices would perform such a function equally well without any physical contact being required as in the case of the first embodiment described with reference to Figs. 1 and 2 and the second embodiment of the invention described with reference to Figs. 3a and b. The aforesaid embodiment which operates without any physical coupling is illustrated in Figs 4a and b of the application. It is submitted therefore that the enablement requirement has been met.

The Examiner's comment regarding claims 1 and 3 have been noted and the claims have accordingly been withdrawn from the application.

The Examiner has kindly indicated that claim 2 would be allowable if rewritten in independent form including all of limitations of the base claim. Accordingly an

amended claim 2 is now presented for consideration which provides for each crayon in a set of crayons to be coupled to a respective sound emitting device.

Proposed new claim 5 provides for the sound emitting device to be releasably coupled to the crayon, while new claim 6 provides the sound emitting device to be integral with each crayon.

With respect to the cited reference of Lee U.S. Patent Application Publication 2004/0180310, applicant recognizes that Lee provides a universal sound emitting device which is incorporated into a carrying case for markers which have electronic storage means for storing electronic information which corresponds to the characteristics of each marker. New claims 7 and 8 now submitted for consideration provide for the sound emitting device of applicant's invention to have a socket which is adapted to receive the identifying termination of a crayon. Such a socket termination in the sound emitting device is illustrated in applicant's drawings and identified by reference numerals 32 (Fig. 1), 60 (Fig. 30) and 78 (Fig. 4). Since such a socket termination for a sound emitting device is not shown or disclosed in Lee, favourable consideration of the claims is respectfully requested. Claims 7 and 8 further provide for the sound emitting device to include a speaker such that the speaker forms part of the sound emitting device. They are not separate units as provided in Lee.

Finally, new claims 9 and 10 provide for a single crayon with sound emitting device in combination, the sound emitting device having the aforesaid socket adapted to receive the identifying termination remote from a distal end of the crayon and a speaker. Favourable consideration of these claims and their allowance is respectfully requested. New claim 10 as discussed earlier with reference to claim 4 which has now been withdrawn, provides for the crayon of claim 9 to have a sound emitting device which may be activated without being physically coupled to the crayon.

The office action summary sheet Box 10 has been checked. However, it is not clear whether the drawings filed on 2/10/04 are accepted or objected to by the

Examiner. Clarification is respectfully requested. It will be noted that a replacement specification which is in better form for scanning and legibility was filed with the faxed copy of application that was signed by the applicant. It is submitted that the quality of the drawings provided with the replacement specification meets the standards of the United States Patent & Trademark Office.

Continued prosecution of this application and its allowance are respectfully requested.

Respectfully submitted,



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